



General Assembly

Distr.: General
14 June 2018

English only

Human Rights Council

Thirty-eighth session

18 June-6 July 2018

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Global Institute for Water, Environment and Health, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09798(E)



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The Syria Arab Republic: Security Council repeated vetoes and their consequences on the human rights situation*

INTRODUCTION

The Permanent Five member-states (P5) of the United Nations Security Council are tasked with the responsibility to ensure peaceful relations and prevent any threat to international peace and security.

Some of the past failures of the Security Council and the International Community to ensure basic human rights are well recognized. Rwanda, Srebrenica, "Kosovo"¹ and the ongoing crisis in the Occupied Palestinian Territories- all cases in which the veto was invoked at the expense of the protections of human lives.

The conflict and subsequent proxy battles that have taken place in Syria for the last 7 years have taken unimaginable numbers of lives, destabilized the entire region, pushed millions of people to internally migrate and millions more to become international refugees.

Since the beginning of the Syrian crisis, 16 resolutions have been proposed in the Security Council on Syria, 10 of which have been vetoed by the Russian Federation foremost, with frequent support from the People's Republic of China.²

It is our hope at the Euro-Mediterranean Human Rights Monitor (Euro-Med Monitor) and the Global Institute of Water, Environment and Health (GIWEH), in presenting our findings, to draw the attention of the UN member states to the dangers of blanket veto power, and to encourage immediate action to rectify it.

IMPACTS ON ESCALATION/TERRORISM

Many factors contribute to the rise of extremism in the Syrian conflict and take primary responsibility. However, the Security Council's inability to intervene to stop threats to global security and peace when the veto is misused, and the message this sends to both the government and the people on the ground, has aided the cultivation environments which breed extremism, terrorism, and the escalations of the conflict.

One example of this can be found in the first veto:

Resolution S/2011/612³, on the 4th of October 2011, which was vetoed by China and Russia.

Purpose: The purpose of this resolution was to condemn Syrian authorities' violation of human rights, and their use of force against civilians, requesting the protection of fundamental freedoms for the Syrian people.⁴

The rationale given for this veto by Russia was that it could be seen as a unilateral threat, which violates the principles of national sovereignty and non-interference.

Impact: This veto was a clear sign to the Syrian people that the government enjoys protection from within the highest authority in the international community.

At that point in the crisis, the Syrian peaceful and rights-seeking movement started quickly to militarization in apposition to abuses of their basic freedoms to press, speech, expression and information. Small groups that had split

¹ References to Kosovo shall be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

² Security Council - Veto List. Link: <http://research.un.org/en/docs/sc/quick>

³ France, Germany, Portugal and United Kingdom of Great Britain and Northern Ireland: draft resolution, United Nations Security Council, 4 October 2011. Link: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2011%20612.pdf>

⁴ Ibid.

from the Syrian army, gradually turned into an offensive force. With the unabated impunity the Syrian government enjoyed in their violations against civilians and unarmed demonstrators, even at the level of the security council of the United Nations, the number of dissidents from the army began increasing to tens of thousands, and by the end of 2011, these groups joined in the form of an armed opposition calling itself the Free Syrian Army.⁵

A TURNING POINT

One of the most far-reaching aspects of the abuse of veto power with regard to Syria came on the 19th of July 2012, after using the veto by Russia and China of **Resolution S/2012/538**.⁶

This intended resolution invoked Article 41 of the UN Charter, calling for punitive measures if the Syrian government did not cease troop movements, and dismantle military concentrations around population centers within 10 days. In addition, it would have extended the mandate of the UN Supervision Mission in Syria (UNSMIS) for 45 days.

The proclaimed rationale for this veto was that it represented and improperly attempted at government change and meddling. Russia, with the support of China, refused to agree to any measure that would interfere in Syria's domestic affairs.

This veto had some of the direst consequences due to its role in affectively re-defining the Syrian crisis as an internal affair. This signalled a shift in the international discussion, and the internalization of the conflict sent a very clear message to the Syrian citizens, and to the world: that whoever caused what was happening to the Syrian people would continue to enjoy impunity.⁷

USE OF CHEMICAL WEAPONS, WAR CRIMES

After the heinous use of chemical weapons against the Syria people in 2013, the horrors of chemical warfare were once again on the international agenda. Several countries reported to the Security Council the use of chemical weapons in different areas in Syria. As a result, in 2014, a new resolution was to be voted on by member states at the UNSC. **Resolution S/2014/348**⁸ was vetoed by Russia and China.

This Resolution Charged that crimes against humanity and war crimes had been committed in the Syrian Arab Republic and demanded that the situation in Syria be referred to the prosecutor of the International Criminal Court (ICC).

The next two years after the veto saw some of the greatest bloodshed, and highest displacement rates, with an estimation nearing a quarter of a million dead by the end of 2015, and by the end of 2016, an average of 50 families were displaced *every hour of every day*. Then, in 2017, the deadly record of the 2013 attacks was superseded.

⁵ Elizabeth O'Bagy. The free Syrian army: Middle East Security Report 9. March 2013. Link:

<http://www.understandingwar.org/sites/default/files/The-Free-Syrian-Army-24MAR.pdf>

⁶ France, Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, United Nations Security Council, 19 July 2012. Link:

<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%20538.pdf>

⁷ Security Council Fails to Adopt Draft Resolution on Syria That Would Have Threatened Sanctions, Due to Negative Votes of China, Russian Federation. 19 July 2012. Link: <https://www.un.org/press/en/2012/sc10714.doc.htm>

⁸ Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, United Nations Security Council, 22 May 2014. Link: www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_348.pdf

The twelve vetoes by Russia and six vetoes by China over the past seven years of Syria's civil war clearly demonstrate the need for all Security Council members to adhere to the ACT Code of Conduct⁹ in mass atrocity situations, which has been signed by 113 member-states and 2 observers. Deep and comprehensive Security Council reform is needed to enable it to consistently and comprehensively uphold its responsibility to protect (R2P).

RECOMMENDATIONS

The Euro-Med Monitor and GIWEH argue that allowing the implementation of these vetoes without bringing in the International Criminal Court (ICC) has exposed the chilling disregard of the international community for the violations of Syrians' human rights throughout the conflict.

The Euro-Med Monitor and GIWEH therefore call on the Human Rights Council and its member states to call upon:

The UN General Assembly to:

- reactivate the "United for Peace" mechanism adopted by GA Resolution 377¹⁰, which allows the General Assembly to consider an issue when the Security Council fails to approve appropriate measures to maintain international peace and security.
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The Member States to:

- Adopt a clause allowing cases of war crimes, crimes against humanity and genocide to be brought to the attention of the International Criminal Court irrespective of decisions taken by the Security Council;
- Appoint an independent counsel to investigate such situations where peace and security appear to be threatened;
- Review the practice of veto in cases of widespread resolution acceptance, and to look for reforming the powers of the non-permanent members and possible ways to expand non-permanent membership authority;
- Support the International, Impartial and Independent Mechanism (IIIM)¹¹ for Syria established by the UN General Assembly in 2016 to investigate atrocities and provide an alternative route to accountability and facilitate the work of the IIIM through the provision of voluntary funding and technical assistance.

*Euro-Mediterranean Human Rights Monitor, NGO without consultative status, also shares the views expressed in this statement.

⁹ "The purpose of the Code of Conduct is to contribute to greater political accountability at the United Nations." ACT group formally launches Security Council Code of Conduct. Center for UN Reform Education. October 2015. Link: <http://centerforunreform.org/?q=node/679>

¹⁰ General Assembly Resolution 377. Link: <http://www.un.org/en/sc/repertoire/otherdocs/GAres377A%28v%29.pdf>

¹¹ International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic, 34th session of the Human Rights Council, 27 February 2017. Link: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21241>